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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: McNeil, Daniel D.

Application No.: 10/066,109

Art Unit.: 2171

Filing Date: January 31, 2002

Examiner: Patrick J. D. Santos

For: "Method and System for Providing Image Incremental and Disaster Recovery"

Atty. Dkt. No.: MPT-006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OCT 08 2004

Technology Center 2100

Date: September 28, 2004

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. **STATUS:** Applicant is a small entity.
3. **EXTENSION OF TERM:** The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
4. **FEE FOR CLAIMS:** The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1) Claims Remaining After Amendment		(Col. 2) Highest No. Previously Paid For	(Col. 3) Present Extra	SMALL ENTITY Rate	Addit. Fee
Total	24	Minus	24	= 0	x \$9 =	\$0
Indep.	2	Minus	3	= 0	x \$43 =	\$0
First Presentation of Multiple Dependent Claim					+ \$145 =	\$0
Total						Addit. Fee \$0

No additional fee for claims is required.

5. **FEE DEFICIENCY:** If any additional extension and/or fee is required, please charge Deposit Account No. 50-0574.

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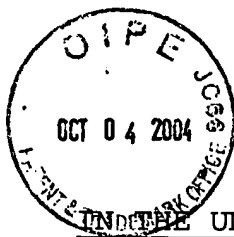
SIGNATURE OF PRACTITIONER

Jeanette S. Harms
Reg. No. 35,537

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 28, 2004.

9/28/2004
Date

Rebecca A. Baumann
Signature Rebecca A. Baumann



UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Daniel D. McNeil

OCT 08 2004

Assignee: Mirapoint, Inc.

Technology Center 2100

Title: METHOD AND SYSTEM FOR PROVIDING IMAGE INCREMENTAL
AND DISASTER RECOVERY

Serial No.: 10/066,109 File Date: January 31, 2002

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AMENDMENT IN RESPONSE TO THE FIRST OFFICE ACTION

Initial Comments

Claims 1-24 are pending in the present application. Claims 1, 9-13, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,799,147 (Shannon) in view of U.S. Patent 5,604,862 (Midgely). Claims 2-4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon and Midgely in view of "Oracle 7 Server Administrator's Guide" (Oracle). Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon and Midgely in view of U.S. Patent 5,195,025 (Boecker). Claims 6-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon, Midgely, and Boecker in view of Oracle.

Claims 1, 9, 13, and 21 are amended herein.